

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 94**

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Individuals with disabilities. Conference committee report for ESB 94. Changes terms used to describe individuals with disabilities. (The introduced version of this bill was prepared by the code revision commission.) **(This conference committee report: (1) removes the text providing for the establishment of the Golden Hoosier discount card program; (2) resolves a technical conflict with SEA 524 (changing a reference to the "Indiana finance authority"); (3) resolves conflicts with SEA 526 (the higher education recodification bill); and (4) makes technical corrections.)**

**Effective:** Upon passage; July 1, 2007.

## CONFERENCE COMMITTEE REPORT

### **MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 94 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1       Page 3, line 15, after "IC 3-6-6-40" insert ", AS AMENDED BY
- 2       P.L.23-2005, SECTION 16,".
- 3       Page 6, delete lines 12 through 19, begin a new paragraph and
- 4       insert:
- 5       "(d) In all written examinations to determine the qualifications of
- 6       applicants for entrance into state service:
- 7       (1) ten (10) points shall be added to the earned rating of persons
- 8       taking **the** competitive examination under subsection (c)(1) or
- 9       (c)(2);
- 10       (2) five (5) points shall be added to the earned ratings of persons
- 11       taking **the** competitive examination under subsection (c)(3); and
- 12       (3) two (2) points shall be added to the earned rating of persons
- 13       taking **the** competitive examination under subsection (c)(4)."
- 14       Page 8, delete lines 27 through 42, begin a new paragraph and
- 15       insert:
- 16       "SECTION 9. IC 4-15-12-1, AS AMENDED BY SEA 526-2007,
- 17       SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18       JULY 1, 2007]: Sec. 1. As used in this chapter:
- 19       "Affected class" means:
- 20       (1) minorities;
- 21       (2) women;
- 22       (3) persons with disabilities; and

1 (4) persons forty (40) years of age and older.

2 "Affirmative action policy" means the state's affirmative action  
3 policy established in section 2 of this chapter.

4 "Persons with disabilities" means all persons who by reason of  
5 physical or mental ~~defect~~ **disability** are unable to achieve full  
6 vocational participation.

7 "Minorities" means persons identified as Blacks, Native Americans,  
8 Asian Americans, and Hispanics.

9 "Office" means the Indiana affirmative action office created by this  
10 chapter.

11 "State agency" means any department, agency, commission,  
12 division, authority, board, bureau, or office of the state under the  
13 executive authority of the governor, except any state educational  
14 institution.

15 "Underutilization" means having fewer members of an affected class  
16 in a particular job category and classification than would be reasonably  
17 expected by their availability in the labor market for that job category  
18 and classification."

19 Page 9, delete lines 1 through 9.

20 Page 10, delete lines 12 through 16, begin a new paragraph and  
21 insert:

22 "SECTION 11. IC 5-1-16-1, AS AMENDED BY SEA 524-2007,  
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2007]: Sec. 1. As used in this chapter:

25 "Authority" refers to the Indiana finance authority."

26 Page 49, delete lines 5 through 42.

27 Page 50, delete lines 1 through 11.

28 Page 64, delete lines 38 through 42.

29 Page 65, delete lines 1 through 27.

30 Page 71, delete lines 25 through 32, begin a new paragraph and  
31 insert:

32 "SECTION 89. IC 12-12-1-2 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The director  
34 shall organize the bureau in the manner necessary to carry out the  
35 bureau's duties. However, the bureau must include the following:

36 (1) The unit of services for ~~the individuals who are~~ blind and  
37 **individuals who are** visually impaired.

38 (2) The unit of vocational rehabilitation.

39 (3) The unit of services for ~~the individuals who are~~ deaf and  
40 **individuals who are** hard of hearing."

41 Page 78, delete lines 33 through 42, begin a new paragraph and  
42 insert:

43 "SECTION 102. IC 12-21-2-3, AS AMENDED BY SEA 526-2007,  
44 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
45 [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) In addition to the general  
46 authority granted to the director under IC 12-8-8, the director shall do  
47 the following:

48 (1) Organize the division, create the appropriate personnel  
49 positions, and employ personnel necessary to discharge the  
50 statutory duties and powers of the division or a bureau of the  
51 division.

- 1 (2) Subject to the approval of the state personnel department,  
2 establish personnel qualifications for all deputy directors,  
3 assistant directors, bureau heads, and superintendents.
- 4 (3) Subject to the approval of the budget director and the  
5 governor, establish the compensation of all deputy directors,  
6 assistant directors, bureau heads, and superintendents.
- 7 (4) Study the entire problem of mental health, mental illness, and  
8 addictions existing in Indiana.
- 9 (5) Adopt rules under IC 4-22-2 for the following:
  - 10 (A) Standards for the operation of private institutions that are  
11 licensed under IC 12-25 for the diagnosis, treatment, and care  
12 of individuals with psychiatric disorders, addictions, or other  
13 abnormal mental conditions.
  - 14 (B) Licensing supervised group living facilities described in  
15 IC 12-22-2-3 for individuals ~~who are mentally ill:~~ **with a**  
16 **mental illness.**
  - 17 (C) Certifying community residential programs described in  
18 IC 12-22-2-3 for individuals ~~who are mentally ill:~~ **with a**  
19 **mental illness.**
  - 20 (D) Certifying community mental health centers to operate in  
21 Indiana.
  - 22 (E) Establish exclusive geographic primary service areas for  
23 community mental health centers. The rules must include the  
24 following:
    - 25 (i) Criteria and procedures to justify the change to the  
26 boundaries of a community mental health center's primary  
27 service area.
    - 28 (ii) Criteria and procedures to justify the change of an  
29 assignment of a community mental health center to a  
30 primary service area.
    - 31 (iii) A provision specifying that the criteria and procedures  
32 determined in items (i) and (ii) must include an option for  
33 the county and the community mental health center to  
34 initiate a request for a change in primary service area or  
35 provider assignment.
    - 36 (iv) A provision specifying the criteria and procedures  
37 determined in items (i) and (ii) may not limit an eligible  
38 consumer's right to choose or access the services of any  
39 provider who is certified by the division of mental health  
40 and addiction to provide public supported mental health  
41 services.
- 42 (6) Institute programs, in conjunction with an accredited college  
43 or university and with the approval, if required by law, of the  
44 commission for higher education, for the instruction of students  
45 of mental health and other related occupations. The programs may  
46 be designed to meet requirements for undergraduate and  
47 postgraduate degrees and to provide continuing education and  
48 research.
- 49 (7) Develop programs to educate the public in regard to the  
50 prevention, diagnosis, treatment, and care of all abnormal mental  
51 conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or managed care providers.

(12) Establish, maintain, and reallocate before July 1, 1996, one-third (1/3), and before January 1, 1998, the remaining two-thirds (2/3) of the following:

(A) long term care service settings; and

(B) state operated long term care inpatient beds;

designed to provide services for patients with long term psychiatric disorders as determined by the quadrennial actuarial study under IC 12-21-5-1.5(9). A proportional number of long term care service settings and inpatient beds must be located in an area that includes a consolidated city and its adjacent counties.

(13) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(14) Establish standards for each element of the continuum of care for community mental health centers and managed care providers.

(b) As used in this section, "long term care service setting" means the following:

(1) The anticipated duration of the patient's mental health setting is more than twelve (12) months.

(2) Twenty-four (24) hour supervision of the patient is available.

(3) A patient in the long term care service setting receives:

(A) active treatment if appropriate for a patient with a chronic and persistent mental disorder or chronic addictive disorder;

(B) case management services from a state approved provider;

and

(C) maintenance of care under the direction of a physician.

(4) Crisis care is available.

(c) Funding for services under subsection (a)(12) shall be provided by the division through the reallocation of existing appropriations. The need of the patients is a priority for services. The division shall adopt rules to implement subsection (a)(12) before July 1, 1995."

Delete pages 79 through 80.

Page 81, delete lines 1 through 10.

Page 104, delete lines 3 through 33, begin a new paragraph and insert:

"SECTION 156. IC 16-18-2-179, AS AMENDED BY SEA 526-2007, SECTION 186, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 179. (a) "Hospital", except as provided in subsections (b) through (g), means a hospital that is licensed under IC 16-21-2.

(b) "Hospital", for purposes of IC 16-21, means an institution, a place, a building, or an agency that holds out to the general public that it is operated for hospital purposes and that it provides care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services. The term does not include the following:

(1) Freestanding health facilities.

(2) Hospitals or institutions specifically intended to diagnose, care, and treat the following:

(A) ~~Mentally ill~~ Individuals **with a mental illness** (as defined in ~~IC 12-7-2-131~~; **IC 12-7-2-117.6**).

(B) Individuals with developmental disabilities (as defined in IC 12-7-2-61).

(3) Offices of physicians where patients are not regularly kept as bed patients.

(4) Convalescent homes, boarding homes, or homes for the aged.

(c) "Hospital", for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-5.

(d) "Hospital", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-9.

(e) "Hospital" or "tuberculosis hospital", for purposes of IC 16-24, means an institution or a facility for the treatment of individuals with tuberculosis.

(f) "Hospital", for purposes of IC 16-34, means a hospital (as defined in subsection (b)) that:

(1) is required to be licensed under IC 16-21-2; or

(2) is operated by an agency of the United States.

(g) "Hospital", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 94 as reprinted March 7, 2007.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 94**

**S**igned by:

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Senator Landske  
Chairperson

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Representative Van Haaften

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Senator Broden

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Representative Foley

**Senate Conferees**

**House Conferees**